

PATENT
Serial No. 10/521,862
Amendment in Reply to Final Office Action of March 19, 2009
and the Advisory Action of June 26, 2009

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action of March 19, 2009 and the Advisory Action of June 26, 2009. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-17 are pending in the Application.

In the Final Office Action, claims 1-17 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 5,618,045 to Kagan ("Kagan") and the Advisory Action indicates, if not under 35 U.S.C. §102(e), then under 35 U.S.C. §103(a) over Kagan. The Advisory Action also suggests that claims 1-17 may be rejected under 35 U.S.C. §103(a) over Kagan in view of U.S. Patent No. 6,674,995 to Meyers ("Meyers"). These rejections of claims 1-17 are respectfully traversed. It is respectfully submitted that claims 1-17 are patentable over Kagan alone and in view of Meyers for at least the following reasons.

Kagan shows an interactive multiple player game system including at least two playing devices communicating over an ad-

hoc, wireless, all-to-all broadcast network (see, Kagan, Abstract). While Kagan does show an ad-hoc wireless network between the two playing devices and accordingly, proximity to enable the ad-hoc wireless network between the two playing devices is inferred, Kagan does not teach, disclose or suggest that the information exchanged between the two devices depends on the physical locations of the two devices relative to one another.

Similarly, while Meyers shows passing a ball between mobile devices using one of infrared (IR) transmission, Short Message Service (SMS) message or Bluetooth, Meyers does not teach, disclose or suggest that the information exchanged between the mobile devices (e.g., a characteristic of the ball) depends on the physical locations of the two devices relative to one another.

It is respectfully submitted that the method of claim 1 is not anticipated or made obvious by the teachings of Kagan or Meyers. For example, Kagan and Meyers does not teach, disclose or suggest, a method that amongst other patentable elements, comprises (illustrative emphasis added) "determining a set of information items for at least one modular unit, wherein each information item

PATENT
Serial No. 10/521,862
Amendment in Reply to Final Office Action of March 19, 2009
and the Advisory Action of June 26, 2009

individually relates to a specific modular unit in said sets, wherein said set of information items represents competition-related information, and wherein said set of information items comprises connection-related information indicating physical locations of said modular units relative to one another as interconnected in a common game space, and wherein the competition-related information depends on the physical locations of said modular units relative to one another" as recited in claim 1, and as similarly recited in each of claims 5, 6 and 7.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 5, 6 and 7 are patentable over Kagan and Meyers and notice to this effect is earnestly solicited. Claims 2-4, and 8-17 respectively depend from one of claims 1, 5, 6 and 7 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

PATENT
Serial No. 10/521,862
Amendment in Reply to Final Office Action of March 19, 2009
and the Advisory Action of June 26, 2009

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By Gregory L. Thorne

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
July 20, 2009

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101